



October 18, 2019

**VIA ECF**

Hon. Patricia S. Dodszuweit  
Clerk of the Court  
United States Court of Appeals  
for the Third Circuit  
James A. Byrne United States Courthouse  
601 Market Street  
Philadelphia, PA 19106

Re: *In re National Football League  
Players' Concussion Injury Litigation*  
Nos. 18-2012, 18-2225, 18-2249, 18-2253, 18-2281,  
18-2332, 18-2416, 18-2417, 18-2418, 18-2419,  
18-2422, 18-2650, 18-2651, 18-2661, 18-2724 & 19-1385

Dear Ms. Dodszuweit:

In accordance with the Court's Order dated June 11, 2019 (Doc. 003113260855), Class Plaintiffs-Appellees ("Class Plaintiffs") respectfully submit the following proposal for their Step 4 briefing of the above-referenced appeals.

Class Plaintiffs are now in receipt of a total of 9 briefs (both joint and individual) from the various Appellants and one amicus curiae (the latter on behalf of the Faneca Objectors). Those briefs total approximately 68,000 words. Appellants challenge four separate district court decisions. The issues presented in their appeals include challenges to the district court's aggregate fee award, challenges to its allocation of that award (including its ruling on requests for an award of fees by certain objectors to the Settlement), challenges to the district court's presumptive 22-percent cap on the fees paid to class members' individually-retained private attorneys, standing, and a challenge to a requested set-aside from Monetary Awards paid to class members.

The foregoing word-count does not include an additional amicus curiae brief on behalf of the Faneca Objectors that is being filed by the Hamilton Lincoln Law Institute (as to which Class Plaintiffs' consent was requested and given).

To address the various arguments raised by and on behalf of Appellants, Class Plaintiffs propose to file a consolidated omnibus answering brief. In order to adequately present their arguments in a single brief, Class Plaintiffs request that they be allowed to file a brief of up to 19,000 words. Class Plaintiffs are mindful that this Court ordinarily disfavors overlength briefs, but the requested expansion here is eminently reasonable given the sheer volume of briefs and the sundry issues that Class Plaintiffs must address. It represents slightly less than a 50-percent increase over the normal Fed. R. App. P. 32(a)(7)(B) limit of 13,000 words. Notably, it will amount to only about one-fourth the combined length of the 8 opening Appellants' briefs and 2 amicus briefs. Moreover, it will relieve the Court from having to consider separate answering briefs.

In addition, the parties have had discussions concerning the timing of the Step 4, 5, and 6 briefs. Under the current schedule, the Appellants' Step 5 reply briefs would be due over the year-end holidays. In order to avoid this and to afford all parties sufficient time to prepare the remaining briefs in these appeals, we respectfully request that Class Plaintiffs' Step 4 consolidated omnibus answering brief (of up to 19,000 words) be made due on or before December 24, 2019 (a 14-day adjustment from the current December 10, 2019 deadline); Appellants' Step 5 reply briefs be due on or before January 21, 2020; and Appellants' Step 6 reply briefs be due on or before February 18, 2020. All parties have consented to this requested scheduling adjustment.

We thank the Court for its consideration of this proposal and request.

Respectfully,

/s/ Christopher A. Seeger  
Christopher A. Seeger  
*Class Counsel*

cc: Counsel of record (by ECF)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served electronically via the Court's ECF system on the date below upon all counsel of record in these matters.

Dated: October 18, 2019

/s/ Christopher A. Seeger  
Christopher A. Seeger